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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER and WILLIAM A. NOSAL,

Plaintiffs on behalf of themselves and all  
others similarly situated,

v.

INSTITUTE FOR RESEARCH ON WOMEN &  
GENDER AT COLUMBIA UNIVERSITY; SCHOOL  
OF CONTINUING EDUCATION AT COLUMBIA  
UNIVERSITY; TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK; U.S.  
DEPARTMENT OF EDUCATION; MARGARET  
SPELLINGS, U.S. SECRETARY OF EDUCATION in  
her official capacity; BOARD OF REGENTS OF THE  
UNIVERSITY OF THE STATE OF NEW YORK, in his  
or her official and individual capacity; CHANCELLOR  
OF THE BOARD OF REGENTS, ROBERT M.  
BENNETT, in his official and individual capacity; NEW  
YORK STATE COMMISSIONER OF THE  
DEPARTMENT OF EDUCATION, RICHARD P.  
MILLS, in his official and individual capacity;  
PRESIDENT OF THE NEW YORK STATE HIGHER  
EDUCATION SERVICES CORP., JAMES C. ROSS, in  
his official and individual capacity,

Defendants.

08 Civ. 7286 (LAK) (KNF)

ECF Case

**NOTICE OF MOTION TO  
DISMISS THE FIRST  
AMENDED CLASS ACTION  
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support  
of the Federal Defendants' Motion to Dismiss the First Amended Class Action Complaint and

the accompanying Declaration of Jean-David Barnea, Defendants the U.S. Department of Education, and Margaret Spellings, Secretary of Education (collectively, the “Federal Defendants”), by their attorney Lev L. Dassin, Acting United States Attorney for the Southern District of New York, will move this Court before the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time as the Court may direct, for an order dismissing the complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and (b)(6).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered by the Court on December 9, 2008, Plaintiffs’ answering papers, if any, must be served upon the United States Attorney’s Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, no later than February 23, 2009.

Dated: New York, New York  
January 9, 2009

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TO: All parties (via ECF)